

REMARKS

This paper is filed in response to the final official action dated June 9, 2009, (hereafter, the "official action") and notice of appeal received by the Patent Office on December 15, 2009. This paper is timely filed as it is accompanied by a petition for extension of time and authorization to charge our credit card account in the amount of the requisite fee. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith, to our Deposit Account No. 13-2855, under Order No. 30873/300367.

All pending claims 32-46, 48-75, 78-80, and 82-97 remain rejected as assertedly anticipated by and/or obvious over U.S. Patent Publication No. 2002/0193532 to Ikehira *et al.* By the foregoing, claims 32-46, 48-74, and 86-97 have been canceled without prejudice or disclaimer. Claims 75, 78-80, and 82-85 remain pending.

The amendment to the specification addresses the objection to the disclosure set forth at page 3 of the action. It is respectfully requested that the objection be removed.

The bases for the claim rejections are addressed below in the order presented in the official action. Reconsideration of the application is solicited in view of the following remarks.

CLAIM REJECTIONS -- 35 U.S.C. §112, SECOND PARAGRAPH

Claims 87-90 have been rejected as assertedly indefinite. The applicants respectfully submit that the rejections of claims 87-90 are moot in view of their cancellation.

CLAIM REJECTIONS -- 35 U.S.C. §§102 & 103

Claims 32-97 have been rejected as assertedly anticipated by U.S. Patent Publication US 2002/0193532A1 to Ikehira *et al.* ("Ikehira"). Additionally, claims 32-97 have been rejected as assertedly obvious over Ikehira. The applicants respectfully traverse the rejections as applied to pending claims 75, 78-80, and 82-85.

The claimed invention recites a process for preparing a material capable of luminescence, comprising:

(a) reacting monomers to form a polymer or oligomer wherein each monomer has at least two reactive groups selected from the group consisting of a halide group, a boronic acid group, a boronic ester group, and a borane group, and each monomer comprises an aryl or heteroaryl group; and

(b) terminating the polymer or oligomer formed in step (a) using an end-capping reagent, said end-capping reagent comprising one reactive group selected from the group consisting of a halide group, a boronic acid group, a boronic ester group, and a borane group, said end-capping reagent further containing an organometallic group.

Ikehira fails to disclose or suggest terminating a polymer or oligomer using an end-capping reagent, as claimed. While the Office points to paragraph 47 of Ikehira as teaching “termination using an end-capping reagent containing an organometallic group,” paragraph 44 describes that the groups containing metal complexes referenced in paragraph 47 are repeating units. Similarly, the exemplary groups containing a metal complex structure illustrated on pages 7 and 8 are shown as repeating units. Thus, paragraph 47 does not teach using end-capping reagents, as claimed. Consistent with this assertion, the Office is respectfully directed to Examples 3, 4, and 5 of Ikehira which exemplify copolymers containing repeating units comprising iridium complexes.

The Court in *KSR* held that a fact finder should be aware of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning. *KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct., 1727, 1742 (U.S. 2007). The court further emphasized the importance of *identifying a reason* that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed invention does. *Id.*, emphasis added.

Here, such a reason is not apparent in view of the consistent teachings in Ikehira that the groups containing metal complexes are repeating units. Therefore, the claim rejections should be reversed.

CONCLUSION

It is submitted that the application is in condition for allowance. Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, the examiner is respectfully invited to contact the undersigned attorney at the indicated telephone number.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

July 15, 2010



Andrew M. Lawrence, Reg. No. 46,130
Attorney for Applicants
6300 Willis Tower
233 S. Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300